

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENZEL HOSEA MARTIN, Special
Administrator of the Estate of Weslie Hosea
Martin,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:23-cv-00423-MMD-CLB

ORDER

On August 28, 2023, Weslie Martin initiated this civil rights lawsuit in a pro se capacity while he was incarcerated by the Nevada Department of Corrections (“NDOC”). (ECF No. 1-1.) Before the Court screened Weslie’s complaint or resolved his *in forma pauperis* application, NDOC filed a suggestion of death on the record in another of Weslie’s lawsuits stating that he passed away on September 11, 2023. (ECF No. 5.) The Court set a 90-day deadline for any party or Weslie’s successor or representative to file a motion for substitution under the Federal Rule of Civil Procedure 25(a)(1). (ECF No. 7.) The Court dismissed and closed this case when that deadline expired without a motion for substitution. (ECF Nos. 7, 8.)

Two months later, the Court set aside the dismissal order and judgment based on Denzel Martin’s motion for that relief. (ECF No. 13.) The Court denied Denzel’s request for substitution without prejudice, and it set a new deadline for him to do so. (*Id.*) Denzel then filed a new motion for substitution, which the Court granted. (ECF Nos. 18, 19.) Thus, Denzel is permitted, in his capacity as Special Administrator of the Estate of Weslie Martin, to maintain Weslie’s claims in this action. (ECF No. 19.)

Denzel, through his attorney, elected to proceed on the complaint and exhibits

1 submitted by Weslie, and he paid the full filing fee for this civil action. (ECF Nos. 20, 23,
2 24.) Given the unique circumstances and procedural posture of this action, it will proceed
3 onto the normal litigation track without a screening order under 28 U.S.C. §§ 1915A or
4 1915(e)(2).

5 For the foregoing reasons, it is ordered that this case will proceed on the normal
6 litigation track.

7 It is further ordered that Plaintiff must perfect service within 90 days from the date
8 of this order under the Federal Rule of Civil Procedure 4(m).

9 The Clerk of the Court is directed to detach and file the Complaint and exhibits
10 (ECF No. 1-1 at 1-7; 10-23) and issue the proposed summonses (ECF No. 21).

11 DATED THIS 19th Day of February 2025.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

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14 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE
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